

## **BAXTER SMITH & SHAPIRO, P.C.**

Attorneys at Law  
200 Mamaroneck Avenue, Suite 601  
White Plains, New York 10601

Robert C. Baxter  
Arthur J. Smith  
Sim R. Shapiro  
Dennis S. Heffernan\*  
Harold A. Campbell  
Margot L. Ludlam  
Tod S. Fichtelberg

Telephone: (914) 684-1055  
Facsimile: (914) 684-1058  
[www.bssnylaw.com](http://www.bssnylaw.com)

Louis B. Dingeldey Jr.  
Valerie L. Siragusa  
Jennifer Warycha  
Joshua A. Bloom  
Renee DeMott\*  
Catherine F. Cavanagh  
Bryan R. Forbes  
Patrick H. Thompson  
Jeffrey R. Messinger  
Adam B. Sechter

\*Admitted in New Jersey

Maria Peranzo, RN

June 30, 2017

Magistrate Judge Gary R. Brown  
100 Federal Plaza, Courtroom 840  
P.O. Box 9014  
Central Islip, New York 11722-9014

Re: Hernandez v. Hicksville Florist  
Civil Action No.: 17cv887(JFB)(GRB)  
Our File No. 17496 LLRB

Dear Magistrate Brown:

This office represents the defendants Marcofai Corp. (d/b/a Hicksville Flowers & Fruiterers), Martin Lebedin and Cora B. Lebedin.

We are in receipt of correspondence from the plaintiffs' counsel seeking an extension of time to respond to the defendants' counterclaim. We note, however, that no effort was made to contact our office to resolve this issue amicably. Indeed, plaintiffs' counsel did call to ask that we amend the ECF notice of appearance as it appeared to indicate that our office represented all defendants, yet chose not to address the counterclaim. Moreover, the Court previously directed that plaintiffs' advise us of their claim for damages but that information was not provided either.

Had the plaintiffs' counsel merely contacted this office, we would have consented to an extension of time to respond. Accordingly, I request that going forward, counsel contact me prior to making such an application to the Court.

New York Office  
505 8<sup>th</sup> Avenue, Ste. 1704  
New York, NY 10018  
Tel. No. (212) 732-9800  
Fax No. (212) 732-0152

Long Island Office  
99 North Broadway  
Hicksville, NY 11801  
Tel. No. (516) 997-7330  
Fax No. (516) 997-7488

Buffalo Office  
182 Dwyer Street  
West Seneca, NY 14224  
Tel. No. (716) 854-6140  
Fax No. (716) 854-6540

Respectfully submitted,

Baxter Smith & Shapiro, P.C.

By:  Sim R. Shapiro  
(SRS 3465)

SRS/eac

cc:  
Michael Faillace & Associates, P.C.  
60 East 42<sup>nd</sup> Street, Suite 2540  
New York, New York 10165